

Appl. No. 09/889,255
Atty. Docket No. CM2000XM
Amdt. dated May 24, 2004
Reply to Office Action of December 5, 2002
Customer No. 27752

REMARKS

Claims 1 - 4 and 6 - 20 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to incorporate the limitations of Claim 5, and Claim 5 has been canceled without prejudice. Claim 1 has further been amended to provide the proper antecedent bases throughout the claim and to include the proper Markush language.

Claims 2 - 4 and 6 - 10 have also been amended to provide the proper antecedent bases throughout the claims. Claims 2, 3 and 6 have further been amended to incorporate the proper Markush language.

Method Claim 11 has been amended to include the positive step of contacting the fabric, dishware or hard surface to be cleaned with the detergent composition of Claim 1.

Additionally, new Claims 12 - 20 have been added. Support for these amendments is found throughout the claims as set forth in the Preliminary Amendments mailed to the USPTO 13 July, 2001, the receipt of which is acknowledged by the USPTO in the 371 Formalities Letter mailed to Applicants on 11 October, 2001.

It is believed that these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 112, Second Paragraph

The Office Action rejects Claims 1 - 11 under 35 USC 112, Second Paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically regarding Claim 1, the Office Action asserts that the phrase "preferably" renders the claim indefinite. Accordingly, Applicants have amended Claim 1 to exclude the phrase "preferably".

With regard to Claim 11, the Office Action asserts that the claim is indefinite because it recites a use without active, positive steps delimiting how this use is practiced. Applicants have accordingly amended the cleaning method disclosed in Claim 11 to include the positive step of contacting the fabric, dishware or hard surface to be cleaned with the detergent composition of Claim 1.

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In light of the present amendments, Applicants respectfully submit that the rejections to Claims 1 and 11 under 35 USC 112, Second Paragraph have been obviated. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections to independent Claim 1, and to Claims 2 – 4 and 6 – 10 which depend therefrom, as well withdrawal of the rejection to Claim 11.

Rejection Under 35 USC 101

The Office Action rejects Claim 11 under 35 USC 101 for not being a proper process claim, because it does not set forth any steps involved in the process. As noted *supra*, Applicants have amended Claim 11 to include the positive step of contacting the fabric, dishware or hard surface to be cleaned with the detergent composition of Claim 1. In light of this amendment, Applicants respectfully request reconsideration and withdrawal of the 35 USC 101 rejection of Claim 11.

Rejection Under 35 USC 103(a) over Schulein

Claims 1 - 11 have been rejected under 35 USC 103(a) as being unpatentable over US Patent Number 6,268,197 B1, assigned to Novozymes A/S and hereinafter referred to as "Schulein". Applicants respectfully traverse this rejection for the following reasons.

According to MPEP § 2143.03, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Applicants submit that Schulein does not teach all of the limitations disclosed in presently amended Claim 1 and therefore cannot render it obvious.

Specifically, the Office Action asserts that Claims 1 – 4 are obvious since Schulein teaches cleaning compositions comprising alkyl ester sulfonate surfactants, which include alkyl ester sulfonate surfactants having the structural formula as recited on page 30 of Applicants' specification. Applicants assert that while such surfactants may indeed be disclosed in the present application, they are not of the type recited in Claim 1 as it is presently amended, or as it was when originally filed. But rather, the alkyl ester sulfonate surfactants recited on page 30 of the present application are merely one type of disclosed, but unclaimed surfactant that may be in the "surfactant system" of the present invention which is present in addition to the selected surfactant of the present invention. See Specification, pp. 26 – 31. In addition, Applicants point out that Schulein fails to teach the anionic surfactant that is a material element of amended Claim 1.

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Since Schulein fails to teach or suggest each and every element of amended Claim 1 and the balance of claims which depend therefrom, the requirements for *prima facie* obviousness under MPEP § 2143.03 have not been met. Accordingly, Applicants request withdrawal of the obviousness rejections of independent Claim 1 as well as of Claims 3 - 4 and 6 - 11 which ultimately depend therefrom.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 - 4 and 6 - 20.

Respectfully submitted,

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